

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In re:

MICHELLE L. CALATO  
fka Michelle L. Fournier

Chapter 7  
Case No. 1-12-13772-MJK  
*Debtor*

MORRIS L. HORWITZ, as Trustee in Bankruptcy of  
Michelle L. Calato

*Plaintiff*

V.

CACH LLC

4340 Monaco, 2<sup>nd</sup> Floor  
Denver, CO 80237

Adv. Proc. No.

DANIELS & NORELLI P.C.

1 Old County Road, Ste. LL5  
Carle Place, NY 11514

### *Defendants*

## **COMPLAINT**

Plaintiff, MORRIS L. HORWITZ, trustee of the above-named debtor, complains of defendant and shows the court as follows:

I.

That on December 18, 2012, Michelle L. Calato (Debtor) filed a petition under Chapter 7 in the Bankruptcy Court for the Western District of New York, whereupon an order for relief was entered on December 18, 2012. That thereafter, Plaintiff was appointed as trustee in which capacity he brings this action.

II.

That Defendant, CACH LLC, is upon information and belief, is

an entity organized under or authorized to conduct business in the State of New York and maintains an office for the conduct of such business at the address shown herein above; that Defendant, DANIELS & NORELLI P.C., is upon information and belief, is an entity organized under or authorized to conduct business in the State of New York and maintains an office for the conduct of such business at the address shown herein above and is the agent for the Defendant CACH LLC and received the proceeds of a certain income execution for and on behalf of said CACH LLC.

III.

That this is an action under 11 U.S.C. § 547 and 11 U.S.C. §550(a) to recover an interest in property transferred pursuant to an avoidable transaction, which constitutes a core proceeding.

IV.

The debtor did, within ninety days of the filing of the petition for relief herein, pay to the defendants, CACH LLC and Daniels & Norelli, P.C. the sum of \$1,500.00 by virtue of an income execution filed against said debtor.

V.

Upon information and belief, the debt owed to CACH LLC by Debtor was an antecedent debt; the transfer of monies made were made while Debtor was insolvent and enabled Defendants to receive more than they would have received in a case under Chapter 7 and if the transfer had not been made.

VI.

That the Plaintiff as trustee prior to the commencement of this action, demanded said property from the Defendants which Defendants refused and still refuses to deliver any part thereof to Plaintiff.

**WHEREFORE**, Plaintiff, Morris L. Horwitz, as Trustee in Bankruptcy of Michelle L. Calato prays this Court for judgment against the Defendants in the sum of \$1,500.00, with interest thereon at the statutory rate from December 18, 2012, together with the costs and disbursements of this action and granting Plaintiff such other relief as the Court might deem to be just and proper.

Dated: Buffalo, New York  
May 12, 2013

/S/MORRIS L. HORWITZ

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